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PATENT
03046-P0003A WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application Of

Samuel Louis Iserson

Serial No.: 09/580,126

Filed: May 30, 2000

For: Asynchronous Video Interview
System

Examiner: Jonathan P. Ouellette

Group Art Unit: 3629

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Appeal Brief Under 37 C.F.R. §1.192

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Having filed herewith a Notice of Appeal from the final rejection of claims 1-15, all of the claims currently pending, the final rejection being mailed on June 17, 2003, Appellant submits its Appeal Brief for the above-captioned application pursuant to 37 C.F.R. §1.192 in triplicate as follows.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: : Mail Stop Appeal Brief - Patents; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

July 17, 2003


Linda A. Ferranti

Real Party in Interest

The real party in interest is National Corporate College Consultants, Inc., residing at 19 Ludlow Street, Westport, Connecticut 06880.

Related Appeals and Interferences

There are no related appeals or interferences.

Status Of Claims

Claims 1-15 are currently pending, stand rejected and are the subject of the instant Appeal. A copy of each of these claims is attached hereto as Exhibit A.

Status Of Amendments

Subsequent to the Final Rejection being mailed on June 17, 2003, Appellant has filed no Amendments.

Summary Of Invention

As described in the specification, Appellant discloses and claims a system 10 for asynchronous video interviewing. The system 10 includes a computer, a storage device 12 accessible by the computer, and software executing on the computer for forwarding interviewer video questions 20 stored on the storage device 12 to interviewees 32 and for forwarding interviewees' video answers 22 stored on the storage device 12 to the interviewer 30. The system 10 further

provides remote access to interviewees 32 for reviewing and answering the video questions 20 and to the interviewer 30 for reviewing video answers 22 and selecting desired interviewees 32. The system 10 further includes a camera for capturing the interviewees' video answers 22 in real time for storage on the storage device 12.

References Cited And Applied

U.S. Patent No. 6,311,164 to Ogden.

U.S. Patent No. 6,282,515 to Speicher.

Grounds Of Rejection

Claims 1-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ogden in view of Speicher.

Issues Presented For Review

(1) Whether it would be obvious to one skilled in the art to modify a combination of two prior art references in a way for which neither prior art provides any motivation.

Grouping of Claims

The claims do not stand or fall together. The invention is claimed from several perspectives, each defining the invention in materially different terms.

Each of the independent claims defines the invention from a unique perspective and each is materially different in scope. Each independent claim requires a combination of material elements which differs from the combination of material elements required by each of the other independent claims. Each of the dependent claims adds specific additional elements to the novel combination of the independent claims. As such, all claims must be considered because it is improper to fail to consider any limitation in the claims. In re Geerdes, 491 F.2d 1260, 1262, 180 U.S.P.Q. 789, the 791 (CCPA 1974) ("every limitation in the claim must be given effect rather than considering one in isolation from the others").

Argument

The present invention is directed to a system for asynchronously recording video and audio data wherein an interviewer and an interviewee are remotely located from each other. As such, all claims require, among other elements, the following: (1) interviewer's question video data stored on a storage device; (2) software executing on the computer for forwarding said interviewer's question video data to an interviewee; and, (3) a camera for capturing at least one interviewee's answer video data to the interviewer's question video data in real time for storage on the storage device together with corresponding interviewer's question video data.

Appellant respectfully submits that none of the cited prior art, either alone or in combination, discloses, teaches or suggests the above highlighted elements.

Ogden discloses a telephone based system in which a central location receives calls from remotely located job applicants and handles the calls, including transmitting messages to the applicants and receiving information from the applicants over an electronic communications link, automatically and directly. However, as expressly recognized by the Examiner, Ogden does not disclose, teach or suggest that the interviewer's questions and/or the interviewee's answers comprise video data collected from a camera, as required by all claims.

Speicher discloses a method and apparatus for delivering personal ad services. While the majority of the data collected by the system of Speicher comprises text or audio data, Appellant recognizes that Speicher does disclose the optional collection of video data as part of the personal ad. However, the video data collected by the device of Speicher are simply video clips which are digitized in advance by the advertiser and then submitted to the system via email. (see Column 11, lines 27-34, Column 16, lines 51-59). As such, there is absolutely no disclosure, teaching or suggestion of the real time exchange of video questions and video answers in an interviewing process.

Therefore, since neither Ogden nor Speicher discloses, teaches or suggests a video based interview process, the combination of the two would not result in or render obvious claims which require such. Rather, Appellant submits that if Ogden were combined with Speicher (absent the availability of the present application as a roadmap), the resulting system would be a telephonic interview system where questions and answers were both provided in audio format (as taught by Ogden), with the option of allowing the interviewee to email or otherwise upload a pre-recorded digitized video clip of himself or herself after the interview was completed (as taught by Speicher). Such a system would not render obvious the claims of the present application, and would not include many of the benefits of the system of the present invention, such as allowing the interviewer to visually evaluate the general demeanor of the interviewee, and more importantly how the interviewee reacts (i.e., with facial expressions or body language) to the questions posed by the interviewer.


Conclusion

Appellant has made a significant advance over the prior art by providing a system which employs the real time exchange of video questions and video answers in an interviewing process, and which allows the interviewer to visually evaluate the general demeanor of the interviewee, and more importantly how the interviewee reacts (i.e., with facial expressions or body language) to the questions

posed by the interviewer. Accordingly, reconsideration and allowance of all pending claims is believed in order, and such action is earnestly solicited.

Respectfully submitted,

July 16, 2003



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EXHIBIT A - Pending Claims

1. A system for video interviewing, comprising:
 - a computer;
 - a storage device accessible by said computer;
 - interviewer's question video data stored on storage device;
 - remote electronic access to said computer by at least one interviewee to review said interviewer's question video data;
 - software executing on said computer for forwarding said interviewer's question video data to said at least one interviewee;
 - a camera for capturing at least one interviewee's answer video data to said interviewer's question video data in real time for storage on said storage device together with corresponding interviewer's question video data; and
 - said software executing on said computer for forwarding said at least one interviewee's answer video data to an interviewer.
2. The system according to claim 1, wherein said software adjusts a time period during which said camera captures said at least one interviewee's answer video data.
3. The system according to claim 1, wherein said software executing on said computer matches said at least one interviewee's answer video data with said interviewer question video data.

4. The system according to claim 1, wherein said camera simultaneously captures said at least one interviewee's and at least a second interviewee's answer video data.

5. The system according to claim 1, wherein said software executing on said computer simultaneously forwards at least one interviewee's and at least a second interviewee's answer video data to said interviewer.

6. The system according to claim 1, wherein said software executing on said computer allows said interviewer to select among said at least one interviewee and at least a second interviewee.

7. The system according to claim 1, wherein said software executing on said computer sends said at least one interviewee's answer video data to a third party.

8. The system according to claim 1, wherein said system forwards said at least one interviewee's answer video data to said interviewer at a time different from when said at least one interviewee's answer video data was stored on said storage device.

9. The system according to claim 1, wherein said software allows said interviewer to copy said at least one interviewee's answer video data onto a storage medium.

10. The system according to claim 9, wherein said storage medium is located remotely from said storage device.

11. A method for video interviewing, comprising:

- loading software on a computer for storing and retrieving an interviewer's question video data on a storage device accessible by said computer;
- accessing said computer from a remote location;
- forwarding said interviewer's question video data to at least one interviewee for review;
- capturing on a camera at least one interviewee's answer video data to said interviewer's question video data in real time;
- storing said interviewee's answer video data on said storage device together with corresponding interviewer's question video data; and
- forwarding said at least one interviewee's answer video data to an interviewer.

12. The method according to claim 11 further comprising the step of adjusting a time period for capturing on said camera said at least one interviewee's answer video data.

13. The method according to claim 11 further comprising the step of matching said at least interviewee's answer video data with said interviewer's question video data.

14. The method according to claim 11 further comprising the step of forwarding said at least one interviewee's answer video data to a third party.

15. The method according to claim 11 further comprising the step of forwarding said at least one interviewee's answer video data to said interviewer at a time different from when said at least one interviewee's answer video data was stored on said storage device.